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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,425	03/30/2001	Bryan G. Yamamoto	MPT-001	9393
22888	7590	12/21/2004	EXAMINER	
BEVER HOFFMAN & HARMS, LLP TRI-VALLEY OFFICE 1432 CONCANNON BLVD., BLDG. G LIVERMORE, CA 94550			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/823,425	YAMAMOTO, BRYAN G.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thong H Vu	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 October 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 and 17-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-14 and 17-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 30 March 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

1. Claims 1-14,17-25 are pending. Claims 15-16 are canceled.
2. The drawing filed 3/20/01 is accepted by examiner.

***Response to Arguments***

3. Applicant's arguments filed 10/06/04 have been fully considered but they are not persuasive.

**Claims 1-13 rejected under U.S.C. 102 (e):**

Applicant argues .the prior art does not teach a current data record; and a data list frame configured to display a first set of data identifiers and having a current data identifier marker for indicating a current data identifier corresponding to the current data record" (emphasis added).

Examiner points out the prior art taught a current page 245 (or current data record); marker list 262 (or a current identifier marker) ; identifier list 260 (or a set of data identifiers) [Murray Fig 2; col 5 line 37-col 6 line 64]. It was clearly that the identifier and marker corresponding to the current page or record.

**Claim 14-25 rejected under U.S.C. 103 :**

Amended Claim 14 discloses "displaying a first set of data identifiers in the first frame; and displaying a current data record in the second frame and placing a current data record identifier next to a current data identifier corresponding to the current data record".

Examiner points out the prior art taught a current page 245 (or current data record); marker list 262 (or a current identifier marker); identifier list 260 (or a set of data identifiers) [Murray Fig 2; col 5 line 37-col 6 line 64]. It was clearly that the identifier list

260 is placed next to the marker 262 and corresponding to the current page 245 or record.

Thus, the rejection is sustained.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-13.17-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Murray [6,392,668 B1].

5. As per claim 1, Murray discloses a data display system implemented by configuring generic client software (i.e.: software module), the data display system comprising:

a data display frame configured to display a current data record [Murray, the browser displays a current page, col 5 lines 52-col 6 line 6]; and

a data list frame configured to display a first set of data identifiers and having a current data identifier marker for indicating a current data identifier corresponding to the current data record [Murray, the software module selects the corresponding marker from the list. The marker generation module inserts the marker along with coordinates

indicating proper display position and other parameters into the current page, col 6 lines 48-64].

6. As per claim 2, Murray discloses a parent frame containing the data display frame and the data list frame [Murray, current page 245, and the marker list 262, Fig 2].

7. As per claim 3, Murray discloses the parent frame further comprises a plurality of command scripts [Murray, Java applet, col 5 lines 24-35, marker code, col 12 lines 5-10].

8. As per claim 4, Murray discloses the data display frame further comprises a next button associated with a next command script from the plurality of command scripts [Murray, a designated button, col 10 lines 8-19].

9. As per claim 5, Murray discloses the data display frame further comprises a previous button associated with a previous command script from the plurality of command scripts [Murray, other predefined icon, col 10 lines 46-57].

10. As per claim 6, Murray discloses the next command script is configured to request a new current data record as inherent feature of predetermined program [Murray, a predetermined program, col 11 lines 7-25].

11. As per claim 7, Murray discloses the next command script is also configured to update the current data identifier marker [Murray, insert code corresponding to a select the marker into the current page, col 6 line 28-col 7 line 5].
12. As per claim 8, Murray discloses the next command script is also configured to request a second set of data identifiers when the current data record corresponds to a last data identifier in the first set of data identifiers as inherent feature of a list identifier [Murray, identifier list 260, Fig 2].
13. As per claim 9, Murray discloses the current data identifier marker is an arrow as a design choice.
14. As per claim 10, Murray discloses the current data identifier marker is signified by highlighting the current data identifier [Murray, highlighting effects, col 5 lines 37-50; col 6 lines 28-47].
15. As per claim 11, Murray discloses the data list frame includes a set of status markers for the set of data identifiers [Murray, marker list 262, identifier list 260, Fig 2].
16. As per claim 12, Murray discloses the data display system is an email client [Murray, email, col 5 lines 23-50].

17. As per claim 13, Murray discloses the generic client software is a web browser [Murray, web browser 242, Fig 2].

18. Claims 17-25 contain the similar limitations set forth of apparatus claims 2-13. Therefore, claims 17-25 are rejected for the similar rationale set forth in claims 2-13.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 14 is rejected under 35 U.S.C. § 103 as being unpatentable over Murray [6,392,668 B1] in view of Swartz et al [Swartz 6,236,994 B1].

20. As per claim 14, Murray discloses a method of configuring generic client software (to synchronize a first frame with second frame), the method comprising:

creating a parent frame (i.e.: client software) containing the first frame (i.e.: marker list) and the second frame (i.e.: identifier list) [Murray, client software 248, Fig2];  
storing a plurality of commands for the first frame and second frame in the parent frame [Murray, market list 262 and identifier list 260, Fig 2]; and  
storing a plurality of variables for the first frame and second frame in the parent frame [Murray, parsing and comparison 266, Fig 2];

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displaying a first set of data identifiers in the first frame; and displaying a current data record in the second frame and placing a current data record identifier next to a current data identifier corresponding to the current data record [Murray Fig 2; col 5 line 37-col 6 line 64].

However Murray does not detail the client software synchronize a first frame with second frame. It was well-known in the Internet art that a software could integrate the metadata from different sources or frames as taught by Swartz [Swartz, application interoperability and synchronization between document and data sources, col 20 line 65-col 21 line 17; send mail; col 11 lines 1-67;Web based reports 124, Fig 3].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the client software synchronize a first frame (document) with a second frame (data source) as taught by Swartz into the Murray's apparatus in order to utilize the client software. Doing so would provide the efficiency and flexibility to access and retrieve data over Internet.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

*Thong Vu*  
*Patent Examiner*  
*Art Unit 2142*

*Thong Vu*

*Jason Cardone*

*PRIMARY EXAMINER*

*AV: 2142*